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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
YUJI ABURAKAWA, ET AL. : EXAMINER: SHI K. LI
SERIAL NO: 09/988,555 :
FILED: NOVEMBER 20, 2001 : GROUP ART UNIT: 2633
FOR: INFORMATION TRANSMISSION :
SYSTEM AND INFORMATION
TRANSMISSION METHOD, AND,
OPTICAL SPACE TRANSMISSION
SYSTEM AND OPTICAL SPACE
TRANSMISSION METHOD

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election requirement dated February 8, 2005, Applicant provisionally elects with traverse the invention of Species XIV, identified in the outstanding Official Action as corresponding to Figure 24, for further examination on the merits. Applicant identifies Claims 42, 43, 61, 62, 67, 68, 70, and 71 as readable on the elected species. Applicant reserves the right to file one or more divisional applications directed to the non-elected species.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct species, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action does not identify search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicant respectfully traverses the Election Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single species be withdrawn, and that a full examination on the merits of Claims 1-71 be conducted.

Respectfully submitted,

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